

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 19-1114V

UNPUBLISHED

NICOLE HARDER, as Parent and  
Legal Representative of Her Minor  
Son, J.A.H.,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: January 16, 2020

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Rotavirus Vaccine;  
Intussusception

*Glen Sturtevant, Jr., Rawls Law Group, Richmond, VA, for petitioner.*

*Mark Hellie, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

On July 31, 2019, Nicole Harder, as parent and legal representative of her minor son, J.A.H., filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that J.A.H. received the rotavirus vaccination on September 19, 2018 and developed intussusception as a result requiring surgical intervention. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On January 3, 2020, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, Respondent concluded that J.A.H.'s intussusception manifested between one and twenty-one days after his receipt of the rotavirus vaccine and there is not preponderant evidence that his condition was due to a factor unrelated to the vaccine. *Id.* at 3. Respondent further agrees that J.A.H.'s intussusception resulted in inpatient hospitalization and surgical intervention. *Id.*

**In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran  
Chief Special Master